

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
Civil Action No. 4:21-cv-122

TINA MANNING, NORMA GRA, JUDY )  
MOSES, PAM EVANS, PATRICIA )  
GRIFFIN, MIKE STALLS, ANNA SHAW, )  
DONNA WARD, and all Similarly Situated )  
Individuals, )

Plaintiffs, )

vs. )

MARTIN COUNTY, )

Defendant. )

**DEFENDANT MARTIN  
COUNTY, NORTH CAROLINA'S  
NOTICE OF REMOVAL**

---

Please take notice that, pursuant to 28 U.S.C. §§ 1331, Defendant hereby removes this action from the North Carolina General Court of Justice, Superior Court Division in and for the County of Martin (“Martin County Superior Court”) to the United States District for the Eastern District of North Carolina. In support of this Notice of Removal, Defendant avers as follows:

**PROCEDURAL HISTORY AND PLAINTIFF’S ALLEGATIONS**

1. Plaintiffs filed this purported class action on July 23, 2021.
2. The Complaint asserts the following claims for relief:
  - a. First Claim for Relief: Breach of Contract;
  - b. Second Claim for Relief: Impairment of Contractual Obligations in Violation of Article I, Section 10 of the United States Constitution;
  - c. Third Claim for Relief: A Claim Under 42 U.S.C. § 1983 Seeking Compensation for a Governmental “Taking” of Private Property

Pursuant to the 5<sup>th</sup> and 14<sup>th</sup> Amendments of the United States Constitution and Article I Section 19 of the North Carolina State Constitution;

d. Fourth Claim for Relief: Motion for Injunctive Relief.

### **GROUND FOR REMOVAL**

3. The Complaint on its face asserts purported class action claims arising under the Constitution and laws of the United States. This Court thus has subject matter jurisdiction over this action pursuant to 28 U.S.C. §1331.

4. Pursuant to 28 U.S.C. §§ 1331 and 1367, this Court has original jurisdiction over each claim for relief and removal is therefore proper pursuant to 28 U.S.C. § 1441(a) and 28 U.S.C. § 1553(b).

5. Notwithstanding the sheriff deputy's notation indicating that the Summons and Complaint were served on July 22, 2021, the day before the Complaint was filed and the summons was issued, Defendant received the summons and Complaint on July 23, 2021.

6. This action having been filed on July 23, 2021, pursuant to Rule 6(a)(1)(c), Federal Rules of Civil Procedure and 28 U.S.C. §1446(b)(1), the earliest possible deadline for removal of this action by Defendant is August 23, 2021, the date of this filing.

7. Without waiver of any defense as to sufficiency of process or of service of process, a true and accurate copy of the Summons and Complaint as-served is filed herewith as Exhibit 1.

8. After filing this Notice of Removal, Defendant will promptly serve written notice of this Notice of Removal on counsel for Plaintiff and file the same with the Martin County, North Carolina Clerk of Superior Court in accordance with 28 U.S.C. § 1446(d).

9. By removing this action from Martin County Superior Court, Defendant neither waives available defenses nor admits any of the allegations of Plaintiffs' Complaint.

WHEREFORE, the procedural requirements for removal having been satisfied, Defendant removes the above-captioned action from the Martin County Superior Court to the United States District Court for the Eastern District of North Carolina.

Respectfully submitted, this the 23rd day of August, 2021.

/s/ H. Stephen Robinson

Mary Craven Adams

N.C. State Bar No. 23058

H. Stephen Robinson

N.C. Bar No. 18401

WOMBLE BOND DICKINSON (US) LLP

One West Fourth Street

Winston-Salem, NC 27101

Telephone: (336) 721-3735

Facsimile: (336) 733-8427

Email: [Mary.Adams@wbd-us.com](mailto:Mary.Adams@wbd-us.com)

Email: [Stephen.Robinson@wbd-us.com](mailto:Stephen.Robinson@wbd-us.com)

*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

This is to certify that on August 23, 2021, a copy of the foregoing **DEFENDANT MARTIN COUNTY, NORTH CAROLINA'S NOTICE OF REMOVAL** was filed with the Clerk of Court using the CM/ECF system.

It is further certified that on August 23, 2021, a copy of the foregoing was sent to counsel for Plaintiff by United States first-class mail:

Lloyd C. "Clif" Smith, III  
PRITCHETT & BURCH, PLLC  
Post Office Drawer 100  
Windsor, NC 27982

/s/ H. Stephen Robinson  
H. Stephen Robinson  
N.C. State Bar No. 18401  
WOMBLE BOND DICKINSON (US) LLP  
One West Fourth Street  
Winston-Salem, NC 27101  
Telephone: (336) 728-7082  
Facsimile: (336) 726-9082  
Email: [Stephen.Robinson@wbd-us.com](mailto:Stephen.Robinson@wbd-us.com)